UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/176,315	10/22/1998	SHIGENOBU MAEDA	0057-2362-2Y	8038

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EXAMINER
CRANE, SARA W

ART UNIT	PAPER NUMBER
2811	

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
      NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet.*

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.
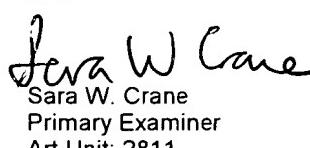
   Claim(s) objected to: *6-16 and 19*.

   Claim(s) rejected: *1-5 and 18*.

   Claim(s) withdrawn from consideration: *17 and 20*.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

Sara W. Crane
Primary Examiner
Art Unit: 2811

Continuation of 5. does NOT place the application in condition for allowance because: See reasons of record. Applicant argues that the recessed region 20 of Chen et al. is not the transistor body. Examiner agrees. The recessed region 20 is the body link, which links the transistor body to the substrate contact 39. Figure 3 shows that the recessed layer is a continuous sheet that extends from the transistor bodies to the substrate contact 39, and thus provides the electrical path between the transistor bodies and the substrate contact 39. Applicant also argues that the Chen RC constant does not include the gate capacitance. Examiner disagrees. The RC constant referenced by Chen et al. is the total RC constant, which would include all sources of capacitance, including the gate capacitance. Applicant objects to the examiner's reliance on secondary references to show definitions of terms known in the art. Examiner believes that such evidence is admissible for the purposes noted, i.e., to show what definitions one of ordinary skill in the art would adopt for terms such as the "body" of a transistor. Applicant argues that the examiner's consideration of the novelty and obviousness of structure is somehow novel in the patent law. Applicant's claim limitations are expressed solely in terms of the structure produced by the process steps claimed, however. Note also that claims 3 and 4 are drawn specifically to a device. The equation of claims 5 and 18 expresses the relationship between resistivity of the material and the resistance of a specific volume of that material along a path. There is no other way to calculate the resistance. .